

(13) results of the information analyses and periodic evaluations;

(14) the process and risk factors for establishing continual re-assessment intervals;

(15) justification to support any variance from the required re-assessment intervals;

(16) integrity assessment results and anomalies found, process for evaluating and remediating anomalies, criteria for remedial actions and actions taken to evaluate and remediate the anomalies;

(17) other remedial actions planned or taken;

(18) schedule for evaluation and remediation of anomalies, justification to support deviation from required remediation times;

(19) risk analysis used to identify additional preventive or mitigative measures, records of preventive and mitigative actions planned or taken;

(20) criteria for determining EFRD installation;

(21) criteria for evaluating and modifying leak detection capability;

(22) methods used to measure the program's effectiveness.

VII. Conditions that may impair a pipeline's integrity.

Section 195.452(h) requires an operator to evaluate and remediate all pipeline integrity issues raised by the integrity assessment or information analysis. An operator must develop a schedule that prioritizes conditions discovered on the pipeline for evaluation and remediation. The following are some examples of conditions that an operator should schedule for evaluation and remediation.

A. Any change since the previous assessment.

B. Mechanical damage that is located on the top side of the pipe.

C. An anomaly abrupt in nature.

D. An anomaly longitudinal in orientation.

E. An anomaly over a large area.

F. An anomaly located in or near a casing, a crossing of another pipeline, or an area with suspect cathodic protection.

[Amdt. 195-70, 65 FR 75409, Dec. 1, 2000, as amended by Amdt. 195-74, 67 FR 1661, Jan. 14, 2002; Amdt. 195-94, 75 FR 48608, Aug. 11, 2010]

PART 196—PROTECTION OF UNDERGROUND PIPELINES FROM EXCAVATION ACTIVITY (Eff. 1-1-16)

Subpart A—General

196.1 What is the purpose and scope of this part?

196.3 Definitions.

Subpart B—Damage Prevention Requirements

196.101 What is the purpose and scope of this subpart?

196.103 What must an excavator do to protect underground pipelines from excavation-related damage?

196.105 [Reserved]

196.107 What must an excavator do if a pipeline is damaged by excavation activity?

196.109 What must an excavator do if damage to a pipeline from excavation activity causes a leak where product is released from the pipeline?

196.111 What if a pipeline operator fails to respond to a locate request or fails to accurately locate and mark its pipeline?

Subpart C—Administrative Enforcement Process

196.201 What is the purpose and scope of this subpart?

196.203 What is the administrative process PHMSA will use to conduct enforcement proceedings for alleged violations of excavation damage prevention requirements?

196.205 Can PHMSA assess administrative civil penalties for violations?

196.207 What are the maximum administrative civil penalties for violations?

196.209 May other civil enforcement actions be taken?

196.211 May criminal penalties be imposed?

AUTHORITY: 49 U.S.C. 60101 *et seq.*; and 49 CFR 1.97.

SOURCE: 80 FR 43866, July 23, 2015, unless otherwise noted.

EFFECTIVE DATE NOTE: At 80 FR 43866, July 23, 2015, Part 196 was added, effective Jan. 1, 2016.

Subpart A—General

§ 196.1 What is the purpose and scope of this part?

This part prescribes the minimum requirements that excavators must follow to protect underground pipelines from excavation-related damage. It also establishes an enforcement process for violations of these requirements.

§ 196.3 Definitions.

Damage or excavation damage means any excavation activity that results in the need to repair or replace a pipeline due to a weakening, or the partial or complete destruction, of the pipeline, including, but not limited to, the pipe, appurtenances to the pipe, protective

§ 196.101

coatings, support, cathodic protection or the housing for the line device or facility.

Excavation refers to excavation activities as defined in §192.614, and covers all excavation activity involving both mechanized and non-mechanized equipment, including hand tools.

Excavator means any person or legal entity, public or private, proposing to or engaging in excavation.

One-call means a notification system through which a person can notify pipeline operators of planned excavation to facilitate the locating and marking of any pipelines in the excavation area.

Pipeline means all parts of those physical facilities through which gas, carbon dioxide, or a hazardous liquid moves in transportation, including, but not limited to, pipe, valves, and other appurtenances attached or connected to pipe (including, but not limited to, tracer wire, radio frequency identification or other electronic marking system devices), pumping units, compressor units, metering stations, regulator stations, delivery stations, holders, fabricated assemblies, and break-out tanks.

Subpart B—Damage Prevention Requirements

§ 196.101 What is the purpose and scope of this subpart?

This subpart prescribes the minimum requirements that excavators must follow to protect pipelines subject to PHMSA or State pipeline safety regulations from excavation-related damage.

§ 196.103 What must an excavator do to protect underground pipelines from excavation-related damage?

Prior to and during excavation activity, the excavator must:

(a) Use an available one-call system before excavating to notify operators of underground pipeline facilities of the timing and location of the intended excavation;

(b) If underground pipelines exist in the area, wait for the pipeline operator to arrive at the excavation site and establish and mark the location of its un-

49 CFR Ch. I (10–1–15 Edition)

derground pipeline facilities before excavating;

(c) Excavate with proper regard for the marked location of pipelines an operator has established by taking all practicable steps to prevent excavation damage to the pipeline;

(d) Make additional use of one-call as necessary to obtain locating and marking before excavating to ensure that underground pipelines are not damaged by excavation.

§ 196.105 [Reserved]

§ 196.107 What must an excavator do if a pipeline is damaged by excavation activity?

If a pipeline is damaged in any way by excavation activity, the excavator must promptly report such damage to the pipeline operator, whether or not a leak occurs, at the earliest practicable moment following discovery of the damage.

§ 196.109 What must an excavator do if damage to a pipeline from excavation activity causes a leak where product is released from the pipeline?

If damage to a pipeline from excavation activity causes the release of any PHMSA regulated natural and other gas or hazardous liquid as defined in part 192, 193, or 195 of this chapter from the pipeline, the excavator must promptly report the release to appropriate emergency response authorities by calling the 911 emergency telephone number.

§ 196.111 What if a pipeline operator fails to respond to a locate request or fails to accurately locate and mark its pipeline?

PHMSA may enforce existing requirements applicable to pipeline operators, including those specified in 49 CFR 192.614 and 195.442 and 49 U.S.C. 60114 if a pipeline operator fails to properly respond to a locate request or fails to accurately locate and mark its pipeline. The limitation in 49 U.S.C. 60114(f) does not apply to enforcement taken against pipeline operators and excavators working for pipeline operators.